



May 27, 2004

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Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WC Docket No. 04-36; FCC 04-28 – in the Matter of IP-Enabled Services

Summary: Traditional telephone service is a lifeline for many older Americans. The advent of VoIP brings great promise and possibilities. However, the FCC must ensure that consumers who subscribe to this service continue to have available the protections that they have come to expect for traditional telephone service.

Dear Ms. Dortch:

AARP appreciates the opportunity to comment on the advent of Voice over Internet Protocol (VoIP) services for residential consumers within the FCC's Docket on "IP-Enabled Services." We are pleased that the Commission has opened this docket to review the myriad of issues that greater expansion of VoIP services will have on traditional telephone service regulation and pricing.

With VoIP, consumers use a regular phone and an adapter to complete calls over a broadband internet connection. AARP is encouraged that lower prices and more features are among the potential benefits for consumers who switch to VoIP service for their telephone service. However, we recognize that the increased use of VoIP services as a substitute for traditional telephone service raises very serious concerns as well. Specifically, AARP strongly believes that consumers who subscribe to VoIP service must have the same protections that they have come to expect for traditional telephone service. In this regard, nearly all consumers, and particularly older consumers, rely upon the availability of safe, affordable and high-quality telephone services. In fact, people age 65 and older are more likely than any other age group to have telephone service. This higher penetration rate exists even though older households must spend 4 percent of their income, or about twice the proportion spent by younger households (1.9 percent), just to use the average amount of telephone service.

AARP maintains that the Commission should examine the issue of how to regulate VoIP from the perspective of the consumer. To the extent that a consumer sees his/her VoIP service as a substitute for traditional telephone service, then the Commission should regulate that service as if it were traditional telephone service. Consumers should not lose the protections of these regulations simply by choosing VoIP service over traditional

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telephone service. Consumers would expect similar regulatory treatment for VoIP and traditional telephone service and the Commission should provide such protection.

The FCC requests comments on whether to define VoIP as an "information service" or as a "telecommunications service" as defined in the Telecommunications Act of 1996. Just as traditional telephone service is classified as a "telecommunications service," AARP maintains that VoIP service should bear the same classification. Classified as a "telecommunications service," VoIP would be governed by the same regulations as traditional telephone service, including universal service obligations. At the same time, this classification would provide the FCC with the flexibility to exempt from regulations VoIP services that do not substitute for traditional telephone service.

In addition, traditional telephone service is currently subject to requirements regarding local number portability. Since consumers have come to expect local number portability and since portability promotes local competition, AARP supports subjecting VoIP to local number portability requirements as well.

High quality telecommunications services and networks are critical to the health, welfare and economy of the country. A number of states have implemented "minimum standard" regulations for telephone service quality, which establish criteria by which to measure customers' service-related experiences with telecommunications providers, field staff who make repairs and service calls, and business offices, as well as network performance. This type of regulation is commonplace for a variety of industries affecting public safety and economic prosperity.

Residential consumers have come to rely on these state regulations to ensure that they receive reliable and high quality telephone service and that they have appropriate consumer protections. Therefore, AARP strongly urges the Commission not to preclude state authority over VoIP and in particular state regulation of service quality and consumer protection. Just as residential consumers expect these protections for traditional telephone service, these protections should cover similar VoIP services as well.

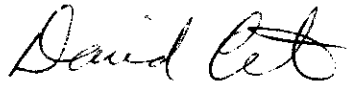
Under current FCC rules regarding customer proprietary network information (CPNI), customers must give their express consent, or opt in, before carriers can release information such as customer calling patterns, service and product selections, and usage history to third parties. The rules also state that the FCC will not block or preempt state efforts to further protect CPNI. Again, these protections now exist for traditional telephone service; they should apply to similar VoIP services as well.

Finally, AARP strongly urges the FCC to ensure that VoIP service packages include enhanced 911 (E911) services. The ability to pinpoint the location of 911 calls is critical because it enables almost immediate dispatch of emergency aid, even when the caller is too injured or disoriented to provide his or her exact location. Consumers have come to expect enhanced 911 on any traditional telephone they pick up. The FCC can ensure its

continued availability and avert potential disasters for consumers by requiring E911 for VoIP service.

Thank you for considering these recommendations. AARP looks forward to working with the Commission to ensure that consumers continue to have access to needed protections as traditional telephone services are provided through VOIP. If you have any questions, please feel free to call me or contact Jo Reed of Federal Affairs at (202) 434-3800.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Certner".

David Certner
Director
Federal Affairs